



Forest
Service

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File Code: 1570-1
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Date: September 30, 2010

Subject: Appeal Recommendation Memorandum for Gunnison Travel Management Plan

To: Maribeth Gustafson, Appeal Deciding Officer

As the designated Appeal Reviewing Officer (ARO), this is my recommendation on the disposition of the appeals filed on the Gunnison Travel Management Plan on the Gunnison and Paonia Ranger Districts of the Gunnison National Forest. The appeal was filed pursuant to 36 CFR 215 and this letter addresses the following appeal:

Robin Laurin, on behalf of the Cathedral Peak Ranch Landowner's Association, Inc.

Appeal number: 10-02-09-0051

DECISION BEING APPEALED

Forest Supervisor Charlie Richmond signed the Record of Decision (ROD) for the Gunnison National Forest Travel Management Plan on June 28, 2010. This decision was made to improve travel management on National Forest System lands on the Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests. This decision was needed to design a sustainable transportation system in accordance with the Travel Management Rule.

APPEAL SUMMARY

The appellant (Robin Laurin) submitted comments during the comment period and is eligible to appeal. The appeal was received August 12, 2010. This timely appeal is addressed by this recommendation letter. The appellant requested any or all of the following relief:

Reconsider our proposal and leave the Cathedral Peak open to ATV motorized travel and not restrict the maintenance capabilities of those who have water systems on the forest land.

ISSUES AND RESPONSES

Appeal Issue 1: Our concern is Mr. Richmond's wording "Access to private water developments "may" be authorized for owners of those facilities". Our water rights and our water system predate U.S. Forest Service management of the land. Hence, we were there first. Maintenance on our system should not be subject to "may" be authorized but "shall" be authorized.

Response: Access to the Cathedral Peak Ranch Landowner's Association Ditch Bill will be addressed in subsequent, site-specific project decisions, therefore, it is outside the scope of this document. Easements and access to private lands and/or water systems will be assessed on a



case-by-case basis to address the comprehensiveness, completeness, and use of the facility, easement, and/or special use permit.

The ROD does discuss administrative access (including special use permits, access agreements, and site-specific project decisions) for existing uses on the Forest. Page 15 of the ROD states *"Administrative access will continue to be allowed under the existing permits, authorizations, easements, or rights-of-way."* Also on page 16 of the ROD, it states *"Administrative roads and trails are closed to public travel, unless otherwise specifically designated in this decision. Such routes where public travel is allowed are depicted on Figures 1A, 1B and 1C with the acceptable mode of travel shown. Closed administrative routes will be signed as closed routes and will not be shown on the MVUM. In this decision the Forest Service has designated some previously open Forest system routes as administrative routes because they serve a single purpose and public travel is not needed. Additionally, this decision recognizes and carries forward previous administrative route designation decisions (e.g. special use permits, access agreements, site-specific project decisions)."*

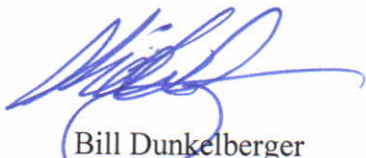
Appeal Issue 2: Cathedral Peak Ranch Landowner's Association, Inc. and Thunder Mountain 4-Wheelers Club proposed to the Forest Service to establish a legal ATV trail using an existing logging road on Forest Service land in the Cathedral Peak area. We offered to build the trail, including a parking area, at our expense. This would allow the public legal use of the land along with the adjacent properties.

Response: Forest Supervisor Charlie Richmond considered this proposal in Alternative 4 (as stated in the Response to Comments Appendix X- A167), further demonstrated in Appendix XX Ss15, Ss17, and Ss185 on comments specific to this area. The ROD addresses this area specifically on pages 23-24. This decision reflects a balance from Colorado Division of Wildlife comments and the adjacent landowners with site-specific request, such as this request from the Cathedral Peak Ranch Landowner's Association, Inc.

The Responsible Official's decision considered the Cathedral Peak Landowner's Association, Inc. and Thunder Mountain 4-Wheelers Club proposal to build a trail in the Cathedral Peak area.

RECOMMENDATION

A review was conducted pursuant to and in accordance with 36 CFR 215.19. The review included consideration of the appeal record, FEIS, ROD, comments received during the comment period, agency response to comments, appellant's appeal issues, and relief requested. Based on the review of the record I recommend affirming the Forest Supervisor's decision in whole.



Bill Dunkelberger
Deputy Forest Supervisor, San Juan Public Lands
Appeal Reviewing Officer